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LEGISLATIVE SUPPLEMENT

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PART – I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 10th April, 2017

No. Leg.12/2017.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 21st March, 2017 and is hereby published for general information:-

HARYANA ACT NO. 12 OF 2017**THE PUNJAB LAND REVENUE (HARYANA AMENDMENT) ACT, 2017**

AN

ACT

*further to amend the Punjab Land Revenue Act, 1887,
in its application to the State of Haryana.*

Be it enacted by the Legislature of the State of Haryana in the Sixty-eighth Year of the Republic of India as follows :-

1. This Act may be called the Punjab Land Revenue (Haryana Amendment) Act, 2017. Short Title.
2. In clause (c) of section 13 of the Punjab Land Revenue Act, 1887 (hereinafter called the principal Act), - Amendment of section 13 of Punjab Act XVII of 1887.
 - (a) in item (ii), for the sign “.” existing at the end, the sign “;” shall be substituted; and
 - (b) after item (ii), the following items shall be added, namely:-
 - “(iii) no authority except the first appellate authority shall remand the case to the lower authority to decide the case afresh; and
 - (iv) no appeal shall lie against any interim order passed by a Revenue- officer under this Act.”.
3. For section 16 of the principal Act, the following section shall be substituted, namely:- Substitution of section 16 of Punjab Act XVII of 1887.

“16. Power to call for, examine and revise proceedings of Revenue-officer.-

(1) The Commissioner may call for the record of any case pending before, or disposed of by any Revenue-officer under his control and pass such orders, as he thinks fit.

(2) The Collector may also call for the record of any case pending before, or disposed of by any Revenue-officer under his control and if he is of the opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Commissioner, whose decision shall be final:

Provided that he shall not pass an order reversing or modifying any proceeding or order of a subordinate Revenue-officer and affecting any question of right between private persons without giving them an opportunity of being heard.”.
4. After sub-section (5) of section 20 of the principal Act, the following sub-section shall be added, namely:- Amendment of section 20 of Punjab Act XVII of 1887.

“(6) If it is not possible to serve summons in accordance with any of the modes, as provided in sub-sections (1), (2), (3), (4) and (5) then,-

 - (a) summons may be sent by the Revenue-officer by whom it is issued whether within or out of the State by post, courier service, fax message or by electronic mail service;
 - (b) where the person is confined in prison, the summons may be delivered by post, courier service, fax message or by electronic mail service to the officer-in charge of the prison for service to the person;
 - (c) where the person resides out of India and has no agent in India empowered to accept service, the summons may be addressed to the person at the place

where he is residing or may be sent to him by post, courier service, fax message or by electronic mail service, if there is postal communication between such place and the place where office of such Revenue-officer is situated; and

- (d) where the Central Government, by notification in the Official Gazette, has declared in respect of any foreign country that summons shall be served on the person actually and voluntarily residing or carrying business or personally working for gain in that foreign country through an officer of the Government of foreign country, as specified by the Central Government, the summons may be sent to such officer through the Ministry of Government of India dealing with foreign affairs or in such other manner, as may be specified by the Central Government and if such officer returns any such summons with an endorsement purporting to have been made by him that the summons have been served on the person, such service shall be deemed as evidence of service.”.

Substitution of section 111 of Punjab Act XVII of 1887.

5. For section 111 of the principal Act, the following section shall be substituted, namely:-

“111. Application for partition.- Any joint owner of land or any joint tenant of a tenancy in which a right of occupancy subsists, may apply to a Revenue-officer for partition of his share in the land or tenancy, as the case may be, with the proposed plan of partition indicating the quality and location of the land in question alongwith the reasons for partition and copy of the latest Jamabandi, if,-

- (a) on the date of application, the share is recorded under Chapter IV as belonging to him; or
- (b) his right to the share has been established by a decree which is still subsisting at that date; or
- (c) a written acknowledgement that right has been executed by all persons interested in the admission or denial thereof.”.

Amendment of section 113 of Punjab Act XVII of 1887.

6. For clauses (a) and (b) of section 113 of the principal Act, the following clauses shall be substituted, namely:-

- “(a) cause notice of the application and of the day so fixed to be served on such of the recorded co-sharers, as have not joined in the application to submit their replies and plans of partition with cogent reasons and if the share for which partition is applied for is a share in a tenancy, on the landlord also; and
- (b) if he thinks fit, cause the notice to be served on any other person whom he may deem to be directly or indirectly interested in the application to submit their replies and plans of partition with cogent reasons.”.

Insertion of section 115A in Punjab Act XVII of 1887.

7. After section 115 of the principal Act, the following section shall be inserted, namely:-

“115A. Settlement of disputes by conciliation.- (1) Where it appears to the Revenue-officer that a settlement may be acceptable to both the parties to the partition, he shall formulate the terms of settlement and submit the same to the parties for their suggestions. After receiving their objections or suggestions, the Revenue-officer shall re-formulate the terms of settlement possible in the prevailing situation and refer the same for conciliation with the intervention of the elders where the property is situated and if the settlement is agreed upon by both the parties through a written deed, the Revenue-officer shall pass an order in accordance with such deed. The orders so made by the Revenue-officer shall be final and a partition deed shall be issued accordingly.

(2) If no settlement is reached under sub-section (1), the Revenue-officer shall within a period of four months after the date of making reference for conciliation but not later than six months from the date of initiation of conciliation proceedings, pass such order on merits, as he may deem appropriate in the circumstances of the case after hearing the parties.”.

8. For section 118 of the principal Act, the following section shall be substituted, namely:-

Substitution of
section 118 of
Punjab Act XVII
of 1887.

“118. Disposal of other questions.- (1) When there is a question as to the property to be divided or the mode of making a partition, the Revenue-officer shall, after such inquiry, as he deems necessary, record an order stating his decision on the question and the reasons for the decision.

(2) An appeal may be preferred against an order under sub-section (1) within fifteen days from the date thereof and when such an appeal is preferred and the institution thereof has been certified to the Revenue-officer by the authority to whom the appeal has been preferred, the Revenue-officer shall stay proceedings pending the disposal of the appeal. The appellate authority shall pass final order in the matter and shall not remand the case in any manner. There shall be no second appeal or revision.”.

KULDIP JAIN,
Secretary to Government, Haryana,
Law and Legislative Department.